

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TRACY LEE HOLMES SR.,

Plaintiff,

vs.

STATE OF NEBRASKA, DOUG  
PETERSON, TODD SCHMADERER,  
THOMAS J. WHEELER, and JOHN A.  
BULDUE,

Defendants.

**8:21CV158**

**MEMORANDUM AND ORDER**

This matter is before the court on its own motion. On April 28, 2021, Plaintiff, a nonprisoner, paid the filing fee in this case. At the direction of the court, this case is removed from the pro se docket. The clerk's office shall assign new judges to this case and request a reassignment order from the Chief Judge.

With respect to reassignment of this case, the court is required to inform the Chief Judge pursuant to NEGenR 1.4(a)(4)(B) that it appears the above-captioned case is "related" to *Holmes v. State of Neb.*, Case No. 8:21CV159 (D. Neb.), and *Holmes v. State of Neb.*, Case No. 8:21CV160 (D. Neb.), because all three cases are based on the same facts, i.e., alleged deprivations of Plaintiff's constitutional rights stemming from a 1997 criminal conviction. See NEGenR 1.4(a)(4)(C) (Civil cases are "related" under this rule "when they involve some or all of the same issues of fact[ or] arise out of the same transaction"); (*Compare* Filing 1, Case No. 8:21CV158 with Filing 1, Case No. 8:21CV159, and Filing 1, Case No. 8:21CV160.) *Holmes v. State of Neb.*, Case No. 8:21CV159, and *Holmes v. State of Neb.*, Case No. 8:21CV160, are both habeas cases assigned to the undersigned as supervising pro se judge and are currently pending initial review. Accordingly, and pursuant to NEGenR 1.4(a)(4),

IT IS ORDERED:

1. The filing fee has been paid in this case. At the direction of the court, this case is removed from the pro se docket. The clerk's office shall assign new judges to this case and request a reassignment order from Chief Judge Gerrard.

2. Chief Judge Gerrard is hereby notified that the above-captioned case appears to be related to *Holmes v. State of Neb.*, Case No. 8:21CV159 (D. Neb.), and *Holmes v. State of Neb.*, Case No. 8:21CV160 (D. Neb.), within the meaning of NEGenR 1.4(a)(4)(C), and that such cases are currently assigned to the undersigned as supervising pro se judge.

3. The Clerk of Court shall transmit a copy of this Memorandum and Order to Chief Judge Gerrard.

Dated this 4th day of May, 2021.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge